

EXHIBIT A

CONDENSED TRANSCRIPT

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CIVIL ACTION NO: 4:CV-00214

KEITH COFFIN, ON BEHALF OF HIMSELF
AND OTHERS SIMILARLY SITUATED

VERSUS

BLESSEY MARINE SERVICES, INC.

The deposition of DUSTIN GRENON
Taken on Monday, the 5th day of June, 2012
Commencing at 9:09 a.m.

At the offices of
Steven F. Griffith, Jr.
201 St. Charles Avenue, Suite 3600
New Orleans, Louisiana 70170

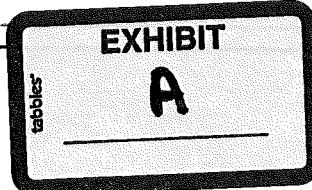
REPORTED BY: ELICIA H. WOODWORTH, C.C.R.



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DUSTIN GRENON

June 5, 2012

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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION		1 APPEARANCES: 2 3 REPRESENTING KEITH COFFIN, JOSH FOX, JOSE RANGEL, 4 GREGORY ROBINSON, JASON VILLARREAL, ZACHARY LATIOLAIS, 5 CODY DUKE, FREDDIE ANDREW MCLEMORE, JR., MASON FULKERSON 6 AND DUSTIN AKINS: 7 Mark J. Oberti, Esquire 8 Oberli Sullivan, LLP 9 723 Main Street, Suite 340 10 Houston, Texas 77002 11 12 REPRESENTING BLESSEY MARINE SERVICES, INC.: 13 Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 14 Steven F. Griffith, Jr., Esquire 15 201 St. Charles Avenue, Suite 3600 16 New Orleans, Louisiana 70170 17 18 ALSO PRESENT: 19 Matt Juneau 20 Ray Schaefer 21 Thomas Bethune 22 23 24 25 REPORTED BY: ELICIA H. WOODWORTH, C.C.R.
***** CIVIL ACTION NO: 4:CV-00214 ***** KEITH COFFIN, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED VERSUS BLESSEY MARINE SERVICES, INC. *****		
The deposition of DUSTIN GRENON Taken on Monday, the 4th day of June, 2012 Commencing at 9:09 a.m. At the offices of Steven F. Griffith, Jr. 201 St. Charles Avenue, Suite 3600 New Orleans, Louisiana 70170		
REPORTED BY: ELICIA H. WOODWORTH, C.C.R. *****		
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1 INDEX 2 3 EXAMINATION PAGE 4 By Mr. Oberti 5 5 By Mr. Griffith 218 6 By Mr. Oberti 253 7 By Mr. Griffith 271 8 WITNESS' CERTIFICATE 275 9 REPORTER'S CERTIFICATE 276 10 11 EXHIBIT INDEX 12 Exhibit 21 100 13 Captain's Log 246 14 Exhibit 24 208 15 Barge Readiness Checklist 211 16 Exhibit 25 211 17 Captain's Log 211 18 Exhibit 27 211 19 Captain's Log 211 20 21 22 23 24 25		1 STIPULATION 2 3 It is stipulated and agreed by and between all 4 parties that the deposition of Dustin Grenon is hereby 5 being taken under the Louisiana Code of Civil Procedure 6 for all purposes. 7 8 The witness has not waived the right to read and 9 sign the deposition. The original is to be retained by 10 Mark J. Oberti, Esquire for proper filing with the Clerk 11 of Court. 12 13 All objections, except those as to the form of 14 the question and the responsiveness of the answer, are 15 hereby reserved until the time of the trial of the 16 cause. 17 * * * 18 Elicia H. Woodworth, Certified Court Reporter in and for 19 the State of Louisiana, officiated in administering the 20 oath to the witness. 21 22 23 24 25

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<p>1 DUSTIN GRENON, 2 Having been first duly sworn, was examined and testified 3 as follows: 4 EXAMINATION BY MR. OBERTI: 5 Q. Could you state your name for the record please, 6 sir? 7 A. My name is Dustin Grenon. 8 Q. All right. Mr. Grenon, have you ever given a 9 deposition before? 10 A. No, I have not. 11 Q. Okay. Well, you attended Mr. Voss' deposition 12 yesterday? 13 A. Yes. 14 Q. And just for the record then, a couple of rules, 15 first and foremost, you're sworn to the tell the truth 16 here today, and do you promise to do that? 17 A. Yes. 18 Q. And, of course, like I said with Mr. Voss, I'll 19 try to let you finish your answer before I butt in with 20 a new question, and in return, I'll ask you to try to 21 let me finish my question, even if you know where I'm 22 going, before you start your answer, so the court 23 reporter can take down a clean record. Okay? 24 A. Sure. 25 Q. And then, of course, this is a</p>	<p>1 Q. All right. As I understand it, so far you've 2 given three declarations in this case? 3 A. I believe so. 4 Q. And I assume you reviewed those today? 5 A. Yes. 6 Q. And then did you also review the job description for tankerman position? 7 A. I've seen it. 8 Q. And we've got another copy here in the binder book there; Exhibit 13 and 14. You can just turn to 13. 9 Obviously you worked for -- how many years as a 10 tankerman? 11 A. Two or three years. 12 Q. Okay. All at Blessey? 13 A. No. I tanked barges for Hollywood Marine as 14 well. 15 Q. Before coming to Blessey? 16 A. Correct. 17 Q. How long did you work as a tankerman there? 18 A. Approximately a year and a half. 19 Q. And you were paid a day rate there? 20 A. Yes. 21 Q. And you were obviously paid a day rate at 22 Blessey? 23 A. Yes.</p>
Page 6	Page 8
<p>1 question-and-answer format. If you don't understand one 2 of my questions, let me know and I'll try to clarify it. 3 Otherwise, I'll assume that you understood it. Okay? 4 A. Okay. 5 Q. As I understand, you're employed by, I'll either 6 call it Blessey or BMSI, for 18 years now? 7 A. For the most part of that, yes. 8 Q. Okay. Did you ever leave the company and come 9 back? 10 A. Yes, I did. 11 Q. Okay. One time? 12 A. Twice. 13 Q. Where did you go? 14 A. One time I went to work for CGB in LaPlace, 15 Louisiana, and another time I left to go to work for 16 Marquette Transportation. 17 Q. Are CGB and Marquette also towing companies? 18 A. CGB is fleeting. 19 Q. What was the position you held there? 20 A. A dispatcher. 21 Q. What about at Marquette? 22 A. Yes, they're a towing company, and I held the position of port captain. 23 Q. Port captain? 24 A. Yes.</p>	<p>1 Q. All right. And since then, since you've given 2 these declarations, you purport to know even now what 3 tankermen generally are responsible for at Blessey? 4 A. Yes. 5 Q. Because your current position is; what, director 6 of operations? 7 A. Yes. 8 Q. How long have you had that position? 9 A. Since October of 2010. 10 Q. Okay. So it says here on Exhibit 13, this is the 11 first page from your internet site. One of the things 12 it says is, "The primary function of the tankerman is to 13 prepare the barges that are assigned to his boat for 14 safe and complete loading and discharging of oil, 15 refined and petrochemical barges"; did I read that 16 correctly? 17 A. Yes. 18 Q. So what specific actions does a tankerman do to 19 prepare the barges that are assigned to his boat for 20 safe and complete loading and discharging of oil, 21 refined and petrochemical barges? 22 A. Well, basically loading and discharging are two 23 different operations. If you're loading a barge, the 24 tankerman would have to open up appropriate valves to 25 ensure the product was coming into the barge in order</p>

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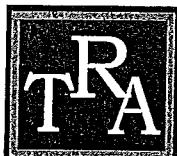
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1 that the barge would be loaded properly to transport the 2 cargo. 3 Q. Okay. 4 A. He would have to monitor product levels in each 5 one of the tanks once they started loading to ensure 6 that the product was level so the barge wasn't damaged 7 in any way so we could transport the customer's cargo. 8 Q. What else would be considered, in your mind, 9 preparing the barges for safe and complete loading of 10 discharging oil, refined and petrochemical barges? 11 A. Let me just clarify, loading or discharging, it 12 would be one or the other. 13 Q. You said it would be two different things. 14 A. Correct. 15 Q. So right now, you're focusing on what it would 16 take to prepare for loading? 17 A. For loading; correct. 18 Q. So that's my question, what else would that 19 entail? 20 A. You hook up a hose, and this hose is connected to 21 the barge to -- and that's where the cargo comes 22 through, the hose. 23 Q. Anything else you can think of? 24 A. You would check all of the hatches to make sure 25 there was no water inside the barge, make sure there's	1 A. On the discharge side. Well, on the discharge 2 side, they use the barge's engine to pump the cargo out, 3 so you would ensure that the engine is in good shape and 4 ready to pump the cargo, check the oil. 5 Q. The engine on the barge? 6 A. Sure. 7 Q. Okay. 8 A. You would check the pump to make sure that the 9 pump is going to be able to come in and out of gear. 10 Q. What was that mean? 11 A. There a PTO attached to the pump -- there's a PTO 12 attached to the engine which spins the drive shaft 13 attached to the pump. 14 He would also check the fuel level to make sure 15 there's enough fuel on the tank in the barge to 16 discharge all of the products. 17 Q. To run the engine? 18 A. Correct. 19 Q. Okay. Anything else that would be required to 20 prepare the barge for discharge? 21 A. None that comes to mind right now. 22 Q. Okay. All right. In, I believe, two of your 23 declarations, you expressed an opinion on what 24 percentage of various individuals working time 25 constituted time that was considered to be cargo
Page 10	Page 12
1 no leaks. 2 Q. Would you do that before or after the hoses are 3 hooked up? 4 A. You do it either/or. 5 Q. Okay. Anything else? 6 A. He would make sure that barge was properly lit. 7 Q. What does that mean? 8 A. When a barge is underway, there's running lights 9 on it, and what that does is it tells other vessels what 10 direction the boat's headed in so they can see -- when 11 we go to dock, they will put out white lights one each 12 one of the corners to show that the barge is aboard, and 13 there will also be a red light that's visible from 360 14 degrees to show they're doing a transfer on the dock. 15 Q. Do they only do this during the day or at night 16 or all times? 17 A. There's actually a red flag during the day that's 18 visible, and at night, there's a red light. 19 Q. So it's either properly lit or properly flagged? 20 A. Correct. 21 Q. Anything else that you would consider preparing 22 the barges that are assigned to his boat for safe and 23 complete loading? 24 A. Nothing that comes to mind right now. 25 Q. What about on the unloading side?	1 transfer time; right? 2 A. Correct. 3 Q. Okay. So my question to you is, any of the 4 things that you've listed for preparing the barge for 5 loading or unloading, did any of those activities fall 6 within cargo transfer time that you counted? 7 A. No. Those are all things that a deckhand could 8 have done. 9 Q. Okay. All right. And let me ask you this, then: 10 As I understand it -- well, let me confirm with you, the 11 barges -- does a tankerman have responsibility for 12 oiling grease fittings on a barge? 13 A. He does if a captain tells him to do it. 14 Q. Okay. What would be the point of oiling grease 15 fittings on a barge? 16 A. For instance, you grease the valves on a barge, 17 and the reason that you would grease the valves on a 18 barge is, if you couldn't open or close that valve, you 19 wouldn't be able get product either in our out of that 20 specific tank. Some of the barges may have four tanks. 21 They may have upwards of 12 tanks, and if a product 22 can't come out or go into that specific tank, you could 23 twist a barge. 24 Q. Okay. So it's just part of properly maintaining 25 the barge so that it can pump liquid?

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<p>1 A. Not just pump liquid, but load liquid, pump 2 liquid. Yeah, it's maintenance on a barge. 3 Q. When you were a tankerman, did you ever oil or 4 grease fittings on a barge? 5 A. Sure. 6 Q. Is it something a deckhand could do, too, though? 7 A. Yes. 8 Q. And do deckhands do that sometimes, too? 9 A. Uh-huh. 10 Q. Yes? 11 A. Yes. 12 Q. She can only take down what we verbalize to her, 13 but everybody does it, so try your best to verbalize it. 14 Are there filters on these barges? 15 A. There's filters on the engines of the barges. 16 Q. Oil filters? 17 A. Yes. 18 Q. And do those have to be changed from time to 19 time? 20 A. Yes, they do. 21 Q. Have you ever changed an oil filter on a barge? 22 A. Yes, I have. 23 Q. You worked as a deckhand for Blessey as well; 24 correct? 25 A. No. I worked a tanker- -- I worked as a deckhand</p>	<p>1 BY MR. OBERTI: 2 Q. Okay. But sometimes it's done? 3 A. It is done sometimes, yes. 4 Q. And then, I guess, going to the next page, as a 5 tankerman at Blessey, did you ever clean the barges of 6 oil spots and debris? 7 A. Yes. 8 Q. And what was the purpose of that? 9 A. Basic maintenance on the barge, keep the barge 10 clean. 11 Q. Okay. But would cleaning the barge of oil spots 12 and debris in any way help the barge properly load or 13 unload? 14 A. Yes. When we go to the dock with a barge that 15 has oily residue on the deck, if it were to rain while 16 you're loading the barge, oil floats to the, and if it 17 rains hard enough, that rainwater would fill your spill 18 rails basically and it would go over the side. So on a 19 barge, you always make sure that there's no oily residue 20 on the dock, otherwise, you couldn't load the barge. 21 You may get kicked off the dock. 22 Q. Okay. At Blessey, are any particular categories 23 of workers specifically or primarily assigned for 24 maintaining the barge, like the deckhands or the 25 tankerman, or is it all just up to the captain to</p>
<p>1 with Hollywood Marine. Got my tankerman's license with 2 Hollywood Marine, came on board with Blessey as a 3 tankerman. 4 Q. So had you ever changed out an oil filter on a 5 barge engine at Blessey? 6 A. Yes. 7 Q. Obviously as a tankerman? 8 A. Yes. 9 Q. What's the purpose -- I'm assuming the purpose of 10 doing that is, once again, to make sure that the barge 11 engine can operate properly so that it can either load 12 or unload? 13 A. Don't need the engine to load the barge, because 14 when you load a barge, that product is coming from the 15 refinery or the tank farm, you only use the engines that 16 are on the barges during discharge. 17 Q. I got you. 18 Okay. So would you agree that -- going back to 19 my first point here, that oil and grease fittings on a 20 barge, would you agree that that's part of preparing for 21 discharging? 22 MR. GRIFFITH: 23 Object to the form. 24 THE WITNESS: 25 No, because it's not done every time.</p>	<p>1 assign? 2 A. It's up to the captain. 3 Q. Do you know as a practical matter, does the 4 captain typically assign either the tankermen or the 5 deckhand to maintain barges, or is there's no -- 6 A. It all -- 7 MR. GRIFFITH: 8 I'm going to object to the question. 9 If you know, 10 MR. OBERTI: 11 If you know. 12 THE WITNESS: 13 It all depends. Sometimes the captains 14 do it. 15 BY MR. OBERTI: 16 Q. So it could be any worker on that crew? 17 A. Any crew member on board. 18 Q. But the only thing that -- we know a deckhand is 19 not actually legally authorized to transfer cargo; 20 correct? 21 A. Correct. 22 Q. So for a crew member to legally transfer cargo, 23 as the way you defined it in your declaration, they have 24 to have a tankerman's license? 25 A. That's correct.</p>

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1	Q. As a tankerman at Blessey, would there ever be a	1	A. Yes.
2	need to verify that all hatches are securely tightened	2	Q. What?
3	on the barge?	3	A. The cause was a not tightened void hatch on the
4	A. Yes.	4	stern void tank.
5	MR. GRIFFITH:	5	Q. On a barge?
6	Object to form.	6	A. On a boat.
7	You can answer.	7	Q. Okay. So --
8	BY MR. OBERTI:	8	A. The hatch wasn't tightened, waves started coming
9	Q. Why would that be necessary?	9	over the stern of the boat, water got into the void tank
10	A. We tool tighten the barge -- we tool tighten all	10	and adversely affected the handling of the boat.
11	of the hatches on our barge. First off, if the barge is	11	Q. On the tow boat itself?
12	loaded, there are void hatches alongside the wing tanks	12	A. Correct.
13	of the barge, if waves were to come over, they could	13	Q. Do you know when that happened, what year?
14	get -- potentially water could enter into the void	14	A. No, I don't.
15	tanks, so we make sure that they're tool tight.	15	Q. Is there something that tankermen refer to as
16	Q. So if water were to get into tanks of the barge,	16	dogs on a barge, that you know of?
17	why would that be a bad thing?	17	A. Yeah.
18	A. It could affect the stability of it.	18	Q. What are those?
19	Q. Of the barge itself?	19	A. It's dogs on a hatch, basically. On a void hatch
20	A. Correct.	20	or a cargo hitch or an ullage hatch. There's many
21	Q. Meaning that it wouldn't be a navigable then?	21	hatches on the top deck of the barge. There are dogs,
22	A. Correct.	22	which are used to tighten the top of the hatch.
23	Q. Would water getting into the tanks in any way	23	Q. Okay. Is there a requirement that on overall
24	adversely affect the barge pumping or loading liquid	24	readiness inspection be done on the barge?
25	cargo?	25	A. Yes.
Page 18		Page 20	
1	A. Yes.	1	Q. And when is that requirement triggered, if you
2	Q. How so?	2	know?
3	A. Okay. If water got into the void tanks on a	3	A. It's required anytime you pick up a barge and
4	barge, the way that the barge is set up, when	4	you're going to take it to dock to load or discharge.
5	discharging a barge, it's all through an internal	5	Q. Okay. And once again, can anybody do that
6	pipeline. The internal pipeline is normally set on the	6	readiness inspection? Could it be a deckhand or a
7	stern of each individual tank, so when they discharge a	7	tankerman?
8	barge, the barge comes up, and the product rolls back to	8	A. Could be a deckhand. Could be a wheelman. Could
9	the back of the tank so they can get all of the product	9	be a tankerman, yes.
10	out. If there's water in any of the voids, it could	10	Q. Is there a form that goes with that?
11	adversely affect the barge's ability to come up and the	11	A. There is a form.
12	product to be able to drip out of the back of the tank.	12	Q. The person who does the inspection, are they
13	Q. Okay. To your knowledge, at Blessey, has a barge	13	supposed to sign off on the form?
14	ever sunk?	14	A. Yes.
15	A. Has a barge ever sunk that was owned by Blessey	15	Q. Okay. And does Blessey somehow gather those
16	Marine?	16	forms in some organized fashion?
17	Q. Yes.	17	A. Semi-organized, yeah.
18	A. No.	18	Q. Okay.
19	Q. What about a tow boat?	19	A. Yes. It gets sent into the office when it gets
20	A. Yes.	20	completed.
21	Q. That was on owned by Blessey Marine?	21	Q. Okay. Do y'all maintain them for a certain
22	A. Yes, sir.	22	amount of time, or...
23	Q. One or more?	23	A. I don't know if there's a certain amount of time
24	A. One.	24	they're maintained or not.
25	Q. Do you know what the cause was?	25	Q. Have you ever done a readiness inspection on a

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1	barge?	1	it's going. I mean, if the wind blows a barge out of
2	A. Yes.	2	the fleet, it doesn't take -- I mean, it's going.
3	Q. Roughly, is there a specific amount of time that	3	BY MR. OBERTI:
4	it takes?	4	Q. Meaning it's just floating down the river?
5	A. Depends.	5	A. Potentially.
6	Q. What's the range, in your experience, anyway?	6	Q. Yes. I'm sorry. That wasn't my question. My
7	A. Thirty minutes, 45 minutes.	7	question is, at Blessey, I'm assuming you want to keep
8	Q. What's the purpose of doing a readiness	8	your barges in good shape; right?
9	inspection on a barge?	9	A. That's the goal.
10	A. Make sure that the barge is either ready to take	10	Q. You said one of the reasons, I guess, you're
11	on cargo or discharge, make sure that it's seaworthy.	11	asked to do an overall readiness inspection is to make
12	Q. So basically three purposes, either make sure	12	sure it's navigable; right?
13	that it's ready to load, ready to unload and ready to be	13	A. Right.
14	seaworthy?	14	Q. So that's my question, how do you know that a
15	A. Basically, yes.	15	barge is navigable or not? It doesn't have a hole in
16	MR. GRIFFITH:	16	it, that's one thing; right?
17	Object to form.	17	A. Right. It's to ensure that a barge is seaworthy.
18	BY MR. OBERTI:	18	You check the voids to make sure that there's no
19	Q. A barge at Blessey is always attached -- when out	19	excessive water in the voids, make sure there's no
20	on river, it's always attached to a tow boat; correct?	20	gashes, no large dents.
21	A. Not necessarily. If a barge were left in the	21	Q. Anything else?
22	shipyard for maintenance and repair, it could be left,	22	A. It has to have running lights on it. If it's at
23	and we could leave it in the fleet as well.	23	nighttime, it will have to have running lights on it.
24	Q. Sure. But, I mean, when it's actually being	24	Q. Okay. In your experience, would you say it's
25	transported on a river, moving, it's only moving by	25	accurate to say that the overall readiness inspection
Page 22		Page 24	
1	being connected to a tow boat; correct?	1	has a heavier emphasis on making sure that the barge is
2	A. That's correct. It's considered to be part of	2	ready to either load or unload, than on it being
3	the tow, and the tow consists of the barges and the	3	navigable down the river?
4	boat.	4	A. It's equally important.
5	Q. And the tow boats at Blessey are not	5	Q. All three are equally important?
6	self-propelled; correct?	6	A. Yes.
7	A. The tow boats are self-propelled.	7	Q. Okay. So if that's the case, then, it would be
8	Q. They are self-propelled?	8	two-thirds focused on loading or unworthy one-third
9	A. Our tow boats?	9	focused on seaworthy navigation; correct?
10	Q. Yes. I'm sorry. The barges are not	10	MR. GRIFFITH:
11	self-propelled?	11	Object to form.
12	A. No, they are not.	12	THE WITNESS:
13	Q. Okay. So they're just attached to the tow boat	13	Not necessarily.
14	itself, and then that's how they move, when the tow boat	14	MR. OBERTI:
15	moves; correct?	15	Okay.
16	A. Correct. They're part of the tow. They're wired	16	THE WITNESS:
17	together. They move as one unit.	17	It's all equally important.
18	Q. Got you.	18	BY MR. OBERTI:
19	So I guess my question is, what does it take for	19	Q. Equally?
20	a barge to be navigable?	20	A. Correct.
21	MR. GRIFFITH:	21	Q. The three different things, making sure that the
22	Object to form.	22	barge is able to load properly, unload properly and be
23	THE WITNESS:	23	navigable?
24	It doesn't take anything for a barge to	24	MR. GRIFFITH:
25	be navigable, because if it broke loose from a dock,	25	I'm going to object to the form, because

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1 the barge could never be ready to both load and unload 2 cargo, so that's part of the problem I've got with the 3 line of questions. 4 THE WITNESS: 5 Right. I understand what you're asking, 6 so if the barge is empty and I was going to load it, it 7 needs to be ready to load and ready to navigate, so 8 50/50, equally important. 9 BY MR. OBERTI: 10 Q. Fifty-fifty. Okay. Fair enough. 11 What about the one where we talked about 12 verifying that all of the hatches and dogs are securely 13 tightened? I think you told me same thing there, part 14 of it is to make sure that it's navigable, and part of 15 it is to make sure that it can take on cargo properly or 16 discharge cargo properly; right? 17 A. Yes. 18 MR. GRIFFITH: 19 Object to the form. 20 You can answer. 21 BY MR. OBERTI: 22 Q. Same thing; there about 50/50 in importance? 23 MR. GRIFFITH: 24 Object to form. 25 THE WITNESS:	1 Blessey. 2 A. I believe so. 3 Q. Do you know how many barges y'all have? 4 A. Around 125. 5 Q. Do you know how many of those are heating barges? 6 A. No, I don't. 7 Q. A heater barge, is it capable of carrying both 8 cargo that requires to be heated and clean chemical 9 cargo, or only cargo that has to be heated? 10 A. You wouldn't put a clean chemical in it, but 11 there are times where you put a black oil cargo inside a 12 heater barge that does not require heat. 13 Q. And then there's some other barges that don't 14 have the capacity to heat? 15 A. That's correct. 16 Q. So would you agree with me that the purpose of a 17 heater barge, the purpose of the heater part of it is 18 purely to ensure that the cargo could be loaded or 19 unloaded properly? 20 MR. GRIFFITH: 21 Object to the form. 22 THE WITNESS: 23 Can you ask that question again? 24 BY MR. OBERTI: 25 Q. In your opinion, what's the purpose of having
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1 I don't have an opinion. 2 BY MR. OBERTI: 3 Q. Okay. All right. As a tankermen, have you ever 4 had to check the pressure gauges for the fuel on a 5 heated barge? 6 A. Yes. 7 Q. Okay. What's the purpose of that? 8 A. Just to make sure that the barge is being 9 maintained -- the heat's being maintained on the barge. 10 Q. Why is that important? 11 A. Some of our barges are considered heater barges 12 and have a thermal oil heating system on board, and we 13 heat customers' cargoes to the specific temperature in 14 order to discharge the product. 15 Q. What would be an example of such a cargo; 16 asphalt? 17 A. Asphalt. 18 Q. Because, obviously, if you don't maintain it at a 19 certain heat, it just becomes solid and, therefore, you 20 can't transport it? 21 A. Correct. 22 Q. That would be a bad thing. 23 A. Yes. 24 Q. Do you know what percentage of -- well, first of 25 all, Mr. Voss said y'all have 62 tow boats now at	1 heat on a heater barge? 2 A. To make sure that you're able to get all of the 3 product out of the barge for transport. 4 Q. Okay. And for a heater barge to have a heater, 5 how does that heater system work? 6 A. Okay. There's a few different components to it. 7 A heater barge has a -- they're diesel heated is what it 8 is, so it has a diesel, basically, nozzle and it shoots 9 diesel inside this tank that has thermal oil coils 10 inside this boiler unit, I guess, and that thermal oil 11 gets circulated throughout internal coils throughout the 12 barge. 13 Q. And what's actually heating those coils? 14 A. The flame that's fired from the diesel fuel heats 15 thermal oil inside of a coil that's pumped throughout 16 the barge. 17 Q. Whose responsibility is it to maintain the heater 18 system? 19 A. It's the captain's responsibility. 20 Q. And does he delegate the functions to perform 21 that responsibility sometimes to the tankermen? 22 A. Depending on his ability. 23 Q. Have you done it before? 24 A. No, I have not. 25 Q. Okay. So, I guess, is there one specific

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<p>1 category of crew member that -- in your knowledge 2 anyway, that typically is responsible for maintaining 3 the heater system on a heating barge?</p> <p>4 A. The captain.</p> <p>5 Q. But, I mean, ultimately it's the captain's 6 responsibility; right?</p> <p>7 A. Yes.</p> <p>8 Q. But I'm saying from a purely functional 9 standpoint, if someone has to go work, physically work, 10 on the heater system, is it typically the captain 11 himself, or whoever he delegates it to?</p> <p>12 A. It really depends. It depends on the crew, 13 because, at times, the crew is incapable of working on 14 the heater systems, so we have maintenance guys that 15 work from our office that would go out to the barge and 16 potentially work on it.</p> <p>17 Q. Okay. Do you have --</p> <p>18 A. It depends on the severity of the situation.</p> <p>19 Q. So it could be one of those maintenance folks 20 sent from Blessey from the land --.</p> <p>21 A. Yes.</p> <p>22 Q. Could be the captain, could be a deckhand or 23 could be a tankerman, depending on the situation?</p> <p>24 A. Yes.</p> <p>25 Q. As fas ongoing -- do the heater barges -- does</p>	<p>1 Q. Have you ever checked temperature on the heater 2 oil?</p> <p>3 A. Yes.</p> <p>4 Q. How do you check it?.</p> <p>5 A. Look at a gauge.</p> <p>6 Q. The gauge on the barge itself?</p> <p>7 A. Gauge on the barge.</p> <p>8 Q. What bout the incoming temperature of the heating 9 oil; is there ever a need to check that?</p> <p>10 A. If it wasn't heating properly.</p> <p>11 Q. How would you know whether it's heating properly 12 or not without checking the temperature?</p> <p>13 A. You would check the temperature.</p> <p>14 Q. Okay. And then do you ever have to check -- as a 15 tankerman, did you ever have to check the heater for 16 leaks?</p> <p>17 A. No.</p> <p>18 Q. Okay. Now, do all of the Blessey barges have 19 generators on them?</p> <p>20 A. No.</p> <p>21 Q. Okay. But they all have engines?</p> <p>22 A. All of Blessey's barges, no.</p> <p>23 Q. Do some of them have engines?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know out of the roughly 125 -- I'm not</p>
<p style="text-align: center;">Page 30</p> <p>1 the heater system itself require ongoing day-to-day 2 maintenance?</p> <p>3 A. Not every day.</p> <p>4 Q. Okay. Does it require some sort of regular 5 maintenance?</p> <p>6 A. It does.</p> <p>7 Q. Do you know who is responsible for that?</p> <p>8 A. The captain of the boat.</p> <p>9 Q. And he can assign it to whoever is on that drew?</p> <p>10 A. He can delegate it to anybody on the crew.</p> <p>11 Q. Is there a requirement that those coils of the 12 heater lines be inspected on some regular basis to 13 ensure that they're functioning properly?</p> <p>14 A. I guess there's a visual inspection after you're 15 done discharging the barge.</p> <p>16 Q. Who does that?</p> <p>17 A. The tankerman, while he's discharging the barge.</p> <p>18 Q. While he's discharging the barge?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. All right. Is there ever a need on a 21 heater barge to check the outgoing temperature of the 22 heater oil?</p> <p>23 A. If it weren't heating properly.</p> <p>24 Q. Okay. And who would do that?</p> <p>25 A. Whoever the captain designated.</p>	<p style="text-align: center;">Page 32</p> <p>1 holding you to that number -- how many of them have 2 engines?</p> <p>3 A. Most do.</p> <p>4 Q. What's the purpose of the engine; so that barge 5 can discharge cargo?</p> <p>6 A. Yes.</p> <p>7 Q. When would a barge not have an engine; when it's 8 only a barge that loads?</p> <p>9 A. No. We have six pressure barges, and they don't 10 have an engine. It's a pressure cargo, and basically 11 the pressure of the cargo discharges the barge. No 12 engines.</p> <p>13 Q. I got you.</p> <p>14 And is there any specific type of cargo that you 15 have to put in a pressure barge for it to work properly?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what cargo that is?</p> <p>18 A. Propane, butane, those are just two examples.</p> <p>19 Q. Do you know if any of the claimants have opted 20 into this lawsuit worked on pressure barges?</p> <p>21 A. I'm not sure.</p> <p>22 Q. All right. Does a tankerman ever have to 23 maintain an engine on the barges, including checking the 24 cycles and voltage?</p> <p>25 A. Ask that again.</p>

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<p>1 Q. Do you know if a tankerman ever has to maintain 2 the engine on the barges, including checking and 3 maintaining the cycles and voltage?</p> <p>4 A. Yeah, possibly.</p> <p>5 Q. And what's the purpose of that?</p> <p>6 A. Just to ensure that the generator is putting off 7 enough voltage.</p> <p>8 Q. So that it can properly discharge?</p> <p>9 A. So that it can run the electric pump -- so that 10 it can fun heating of the barge if it were heating.</p> <p>11 Q. Okay. And have you ever had to drain water from 12 the expansion tank before cranking up the heater?</p> <p>13 A. Yes.</p> <p>14 Q. What what's the purpose of that; make sure that 15 the heater is working properly?</p> <p>16 A. Just more --</p> <p>17 MR. GRIFFITH: 18 Object to form.</p> <p>19 THE WITNESS: 20 More specifically, is to ensure that 21 there's no water inside the thermal oil that's in the 22 barge, so if you heat water, it becomes steam and could 23 pressure the system.</p> <p>24 BY MR. OBERTI: 25 Q. So it could adversely affect the heater system?</p>	<p>1 Q. I'm not asking you why you didn't include it. 2 I'm just confirming that you didn't.</p> <p>3 MR. GRIFFITH: 4 I'm going to object to the form of the 5 question, to the extent that that's even a question.</p> <p>6 THE WITNESS: 7 Okay.</p> <p>8 BY MR. OBERTI: 9 Q. You didn't include time spent verifying that all 10 of the hatches and dogs are secured tightly; did you?</p> <p>11 A. No.</p> <p>12 Q. You didn't include time spent on overall 13 readiness inspection on the barges; did you?</p> <p>14 A. No.</p> <p>15 Q. And you didn't include time spent checking the 16 diesel -- time spent checking the pressure gauges for 17 the few on the heater barge; did you?</p> <p>18 A. No.</p> <p>19 Q. And you didn't include time spent checking the 20 outgoing or incoming temperature of the heating oil on 21 heater barges; did you?</p> <p>22 A. No.</p> <p>23 MR. GRIFFITH: 24 I'm going to object to the form.</p>
<p>1 A. Yes.</p> <p>2 Q. Okay. Do you know if -- well, as a tankerman, 3 did you ever trace the entire pipeline of the heating 4 system to ensure that it was not and would not leak?</p> <p>5 A. No.</p> <p>6 Q. Do you know if that's something that people have 7 to do on heater barges?</p> <p>8 A. Some of it is internal, so you couldn't.</p> <p>9 Q. All right. Now, let me just go down the list and 10 confirm that the two declarations in which you expressed 11 an opinion about the amount of working time that some of 12 the claimants in this case spent on cargo transfers. In 13 your definition of cargo transfer, you didn't include 14 time spent on oiling or greasing fittings on a barge; 15 did you?</p> <p>16 A. No.</p> <p>17 Q. And you didn't include time spent changing oil 18 and oil filters on the engines on the barge; did you?</p> <p>19 A. No, because there's no way to know when that got 20 done or who it got done by.</p> <p>21 Q. And you didn't include time spent cleaning the 22 barge of oil spots and debris; did you?</p> <p>23 A. No, because that's not something that would be 24 logged, and it wouldn't necessary be the tankerman to do 25 that.</p>	<p>1 THE WITNESS: 2 No.</p> <p>3 BY MR. OBERTI: 4 Q. And you didn't include time spent maintaining the 5 heater system; did you?</p> <p>6 MR. GRIFFITH: 7 Object to the form.</p> <p>8 THE WITNESS: 9 No.</p> <p>10 BY MR. OBERTI: 11 Q. And you didn't include time spent maintaining the 12 generator on the barges, including checking and 13 maintaining the cycles and voltage on the generator; did 14 you?</p> <p>15 MR. GRIFFITH: 16 Object to the form.</p> <p>17 THE WITNESS: 18 No.</p> <p>19 BY MR. OBERTI: 20 Q. And you didn't include time spent draining water 21 from the expansion tank before cranking up the heater; 22 did you?</p> <p>23 MR. GRIFFITH: 24 Object to the form.</p> <p>25 THE WITNESS:</p>
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1	No.	1	Q. And then I think the last thing you said for
2	BY MR. OBERTI:	2	preparing the barge for loading was make sure the barge
3	Q. And you didn't include -- all right. So the	3	is properly lit or properly flagged; correct?
4	things I just ticked off just now that you did not	4	A. There might be no time spent on that, if you've
5	include as time considered as cargo transfer time in	5	had the barges in tow, the crew are familiar with it.
6	your analysis, is there any way for you to actually know	6	Q. Okay. Well, I mean, if -- are the lights
7	how much time, if any, of the tankermen in this case	7	permanently stationed in there so it's just a matter of
8	spent doing those things?	8	flipping a switch?
9	A. No.	9	A. For the most part, yes.
10	Q. There's no record that captures the time that any	10	Q. All right. So that wouldn't take any time.
11	of the tankermen in this case spent doing any of those	11	A. Wouldn't take any time.
12	things?	12	Q. But if it's a flag, the flag, I guess, comes up
13	A. No.	13	or down depending on what you're doing?
14	Q. All right. I think you told me -- let's go down	14	A. No. It's permanently there.
15	the list real quick here, kind of all the things from	15	Q. So no time on that one; right?
16	the beginning. We started off, and you told me about	16	A. No. No time.
17	some of the things that needed to be done to prepare the	17	Q. And for the things you mentioned for preparing or
18	barge for loading; do you remember that?	18	unloading or discharging, you said, make sure the engine
19	A. Yes.	19	is in good shape to pump; right?
20	Q. Okay. One of the things you said was open the	20	A. Yes.
21	valves?	21	Q. About how long would that take?
22	A. Yes.	22	A. Wouldn't take any time if you've had that barge
23	Q. Do you know how long that takes, typically?	23	in tow. Potentially zero.
24	A. Depends.	24	Q. What if you haven't?
25	Q. Do you have a range?	25	MR. GRIFFITH:
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1	A. Three minutes, five minutes, three to five	1	Object to the form.
2	minutes.	2	THE WITNESS:
3	Q. Then I think the second thing you said was you	3	It really does depend. It really does
4	monitor product levels in the tank to ensure that	4	depend.
5	they're level; correct?	5	BY MR. OBERTI:
6	A. Yes.	6	Q. Can you give me a minimum or maximum range?
7	Q. How long does that take?	7	MR. GRIFFITH:
8	A. It's really ongoing throughout the transfer.	8	Object to the form.
9	Q. Okay. And then you said you hook up the hose to	9	THE WITNESS:
10	the barge?	10	Five to 10 minutes.
11	A. Yes.	11	BY MR. OBERTI:
12	Q. How long does that take?	12	Q. Okay. And you said check pumps to the ensure
13	A. Five to 15 minutes, and sometimes the crew	13	that it can come in and out of gear; right?
14	doesn't even do it. Some docks have dock crews that	14	A. Sure.
15	hook up or disconnect the hose.	15	Q. How long would that take?
16	Q. Do you have to be a tankerman to hook up?	16	A. A minute.
17	A. No.	17	Q. Then check fuel level to discharge product?
18	Q. When does the requirement of the tankermen click	18	A. Two minutes.
19	in; just when the liquid starts flowing?	19	Q. Okay. And then moving over to the list I ticked
20	A. When the cargo transfer is started.	20	off, roughly how long does it take to oil grease
21	Q. And another thing you said was you check the	21	fittings on a barge?
22	hatches to make sure there's no water in the barge?	22	A. That could take an hour, and that's an item
23	A. Yes.	23	that's not done on an every-transfer basis.
24	Q. And do you know how long that typically takes?	24	Q. Is there some, like, minimum maintenance
25	A. Could take 15 minutes.	25	requirement for oiling the grease fittings on a barge?

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<p>1 A. I believe we have guidelines for it. 2 Q. Do you know what the guidelines say? 3 A. No, I can't recall exactly. 4 Q. Okay. Then changing oil and oil filters on the 5 engines on the barges; do you know how long it takes to 6 change out the oil and oil filter? 7 A. I do. It's not something that's done on an 8 everyday basis. 9 Q. Right. I imagine it's kind of like with your 10 car, after you go for so long, you change out the oil? 11 A. Correct. 12 Q. Every time you change out the oil on a barge, do 13 you also change out the oil filter? 14 A. Yes. 15 Q. And when that is done, do you know roughly the 16 range of amount of time that it takes to do it? 17 A. About an hour. 18 Q. Can you do that while the tow boat is in transit? 19 A. Yes, you could. 20 Q. Okay. Are Blessey tankermen sometimes physically 21 on the barge while the whole tow was going down a river? 22 A. At times, yes. 23 Q. Okay. How big are those barges? 24 A. The majority of them are 300-feet by 54-feet 25 long, but we've got several different sized barges.</p>	<p>1 gauge. 2 BY MR. OBERTI: 3 Q. What about drain water from an expansion tank 4 before cranking up the heater? 5 A. Three or four minutes. 6 Q. And, now, I imagine you've never given any sort 7 of expert testimony or expert report in your life 8 before; have you? 9 A. No. 10 Q. And if you look at Exhibit Number 3 there, that's 11 the Supplemental Declaration you provided on May 29th; 12 correct? 13 A. It actually says June the 3rd. 14 MR. GRIFFITH: 15 Actually, it's referring to a prior one. 16 Check the date on the last page. 17 THE WITNESS: 18 Yes; correct, May the 29th, 2012. 19 BY MR. OBERTI: 20 Q. Okay. And is it accurate to say that you were 21 asked to determine a percentage of working time each 22 claimant in this case, except Freddie McLemore and Eric 23 Jones, spent on cargo transfers? 24 A. Yes. 25 MR. GRIFFITH:</p>
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<p>1 Q. And then verifying that all of the hatches and 2 dogs are securely tightened; do you know roughly how 3 long that takes? 4 A. Potentially no time if you've had that barge in 5 tow and you know, so -- but it could take 25 to 30 6 minutes. 7 Q. Okay. And then check the pressure gauges on the 8 fuel for a heater barge? 9 A. Thirty seconds. 10 Q. Check the outgoing or incoming temperature of the 11 heating oil an a heating barge? 12 MR. GRIFFITH: 13 Object to form. 14 THE WITNESS: 15 Thirty seconds. It's simply looking at 16 a gauge. 17 BY MR. OBERTI: 18 Q. Okay. Check and maintain -- maintain the 19 generator on the barges, including checking the cycles 20 and voltage on the generator; do you know how long that 21 would take? 22 MR. GRIFFITH: 23 Object to form. 24 THE WITNESS: 25 Thirty seconds. It's looking at a</p>	<p>1 Object to form. 2 BY MR. OBERTI: 3 Q. And who assigned you to that task? 4 A. I was assigned by Beau and my direct supervisor, 5 Clark Todd. 6 Q. Okay. And what's Clark Todd's title; Chief 7 Operating Officer? 8 A. Yes. 9 Q. Did they tell you why they were giving you this 10 assignment? 11 A. Yes. 12 Q. What did they say? 13 A. Because we were involved in a lawsuit. 14 Q. Did they give you anymore detail? 15 A. It was a lawsuit -- I was told that it was a 16 lawsuit about tankermen wages for Keith Coffin. 17 Q. Okay. That was when you did the first one, which 18 is actually Exhibit 2, which is specific to Coffin? 19 A. Correct. 20 Q. Then later on, I guess -- 21 A. Then later on, it was other tankermen. 22 Q. Okay. And as I understand it, for the purposes 23 of your report, you defined cargo transfer work as 24 actual loading or unloading time, meaning hose in to 25 hose out while liquid is transferred; correct?</p>

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1 A. Correct.	1 Q. Okay. Which is what?	2 A. Which is, they're required to put in a log entry	
2 Q. Then you also included in that phrase, "cargo	2 every six hours, whether they're moving or not. We	3 require them to put ETAs, which are estimated time of	
3 transfer", in your calculation blowback time?	4 arrivals, EFTs, which are estimated finish times,	5 estimated time of docking, anytime they cross a major	
4 A. When it was logged, yes.	6 intersection, we require hose on times, hose off times,	7 dock times, spotted times. If a barge has got a black	
5 Q. And what is "blowback"?	8 oil product, we require temperatures twice a day. If	9 they have a black oil cargo and they're heating, we	
6 A. If you were loading or discharging a heavy oil	10 require temperatures four times a day, every six hours.	11 And if they're discharging, we require pump RPMs and	
7 product -- and I say "heavy oil product", one that's	12 pressures. When an inspector comes on the barge, we	13 require the inspector time on, time off, his time and	
8 loaded or discharged at 250 degrees or greater, that	14 the company that he works for.	15	
9 type of product will solidify in the pipeline if it's	16 I think that covers the major point of the logs.	17	
10 not blown out of the pipeline, so what you would do is,	18 Q. And you said this is what Blessey requires the	19 logs to reflect?	
11 when you're done loading or done discharging, you would	20 A. Correct.	21	
12 have to specifically -- you hook up air from the hose to	22 Q. And when you say this is what Blessey requires	23 the logs to reflect, do you mean the handwritten logs or	
13 the barge and blow each one of the pipelines down, each	24 electronic logs or both?	25 A. That's referring to both.	
14 one of the valves and each one of the tanks, blow all of	26 Q. Have you ever compared handwriting captains' logs	27 to electronic captains' logs?	
15 the product down, make sure there's no product inside			
16 the pipeline that would solidify and not allow you to			
17 discharge or load cargo whenever you got to your			
18 destination.			
19 Q. Okay. Make sure that they're not blocked up for			
20 the future?			
21 A. Right.			
22 Q. Sometimes that's recorded on captains' logs, and			
23 sometimes it's not?			
24 A. Correct.			
25 Q. But you added -- so when it wasn't, obviously you			
Page 46		Page 48	
1 couldn't capture it, but when it was, you did?	1 A. Not that I can recall.	2	
2 A. Because you don't do it on every transfer. Not	2 Q. Is there any requirement of Blessey that you know	3 of that the electronic captains' logs match	
3 ever transfer would require that.	4 word-for-word the handwritten captains' logs?	5	
4 Q. Oh, I see.	5 A. Ask that again.	6	
5 It's kind of like a preventative maintenance	6 Q. Is there any requirement at Blessey that the	7 electronic captains' logs match verbatim or	
6 thing that doesn't have to be done all the time, just	8 word-for-word the handwritten captains' logs?	9	
7 sometimes?	9 A. I'm not positive of that.	10	
8 A. Depends on what the cargo is.	10 Q. Okay. And it's the captain himself that creates	11 both logs, the handwritten and electronic?	
9 Q. Is it always captured when it does occur?	12 A. Yes.	13	
10 A. It should be.	14 Q. And does Blessey have a requirement of when the	15 captain has to create these logs, like how soon after	
11 Q. Okay. That raises a question. You say something	16 these event occur?	17	
12 about captains' logs are supposed to be accurate; right?	18 A. No, we don't have a requirement of that.	19	
13 A. Correct.	20 Q. Do the captains have to turn the logs in in some	21 timeframe?	
14 Q. But are they supposed to be comprehensive and say	22 A. Yes.	23	
15 everything that everybody did on the boat every single	24 Q. And what's the timeframe?	25	
16 day?	25 A. They send in -- the electronic logs are submitted		
17 A. No.	26 at 0600 and at midnight.		
18 Q. What are they supposed to capture, or do you know	27 Q. Twice a day?		
19 what they're legally required to reflect, if anything?	28 A. Correct.		
20 A. I do know what they're legally required to	29 Q. Doesn't the captain's log cover a 24-hour period?		
21 reflect.			
22 Q. Which is what?			
23 A. Which is -- no. I take that back. I mean, I			
24 can't specifically say what they're legal -- I know			
25 what Blessey Marine is required for them to say.			

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1	A. Yes.	1	A. Yes.	
2	Q. Okay. All right. So getting back to how you define "cargo transfer", you included, like we said, actual loading and unloading, when the hose is hooked up and product is flowing, and you also included blowback time when it occurred and it was reflected on the captain's log; correct?	2	Q. And did anyone else tell you that a specific number was significant?	
3	8	3	A. I knew what the percentage was that was being --	
4	Q. Okay. All right. So getting back to how you define "cargo transfer", you included, like we said, actual loading and unloading, when the hose is hooked up and product is flowing, and you also included blowback time when it occurred and it was reflected on the captain's log; correct?	5	I knew what the percentage was, yes.	
5	8	6	Q. Which was what?	
6	A. Correct.	7	A. I know knew that there was a claim that tankermen spent more than 20 percent of their time on cargo transfer operations.	
7	Q. And then you added a half an hour for each tankering for completion of the Declaration of Inspection?	8	9	Q. How did you know that?
8	A. Correct.	10	MR. GRIFFITH:	
9	Q. When you say each tankering, you mean each time that there's been completed loading or unloading?	11	I want to object. I just want to make sure -- I don't have a problem with Mr. Grenon talking about his knowledge, but as it pertains to any specific conversations with counsel, we would invoke attorney/client privilege. I just want to preserve that in that respect. I don't have a problem with him talking about something that he knows, but if you're asking about specific communications with me or Mr. Bethune, we want to invoke that privilege.	
10	A. Commenced.	12	MR. OBERTI:	
11	Q. Anything else, other than that, that you included within your definition of cargo transfers for purposes of your analysis?	13	I mean, if he's your expert, I'm allowed to know what --	
12	A. No.	14	MR. GRIFFITH:	
13	Q. And on the Keith Coffin analysis, Exhibit 2, did you include the half an hour for each tankering for him to complete the Declaration of Inspection?	15	Why don't ask him what he knows? But	
14	A. No.	16		
15	Q. Why not? I mean, why the change?	17		
16	A. Keith Coffin was the first one that I did, I	18		
17		19		
18		20		
19		21		
20		22		
21		23		
22		24		
23		25		
Page 50		Page 52		
1	really didn't know -- I just -- I was strictly analyzing cargo transfers, so that's what I used.	1	if -- I don't have a problem with you asking him what he knows. If you're asking about specific conversations that he had with us, then I've got a concern, so I'm not sure your question gets there.	
2	Q. Did you include blowback time in Coffin's?	2	MR. OBERTI:	
3	A. I did. I specifically remember there times where blowback time was logged in the logs. You wouldn't blowback -- it all depends on what the cargo is, so it couldn't be every time that they blew cargo back into the barge.	3	Even though he's your expert, though?	
4	Q. Okay. So, I guess what I'm getting at is, is there any difference in your methodology for Coffin versus everybody else, meaning Exhibit 2 and Exhibit 3, other than the fact that for Coffin, you didn't include half an hour for each tankering to complete Declaration of Inspection?	4	I'm allowed to know what he relied on.	
5	A. No, other than that, there's no differences.	5	MR. GRIFFITH:	
6	Q. Okay. Where did you get this -- how did you include that these were the right things to include within your definition of cargo transfers? Did someone else tell you to do that, or did you just come up with it?	6	I understand, and it may not -- ask your question again, because it may not --	
7	A. I did. I know what it is. I know what a cargo transfer is.	7	MR. OBERTI:	
8	Q. Okay. And that was your assignment was, to figure out what percentage of these people's working time was spent on cargo transfers?	8	Okay. That's fine.	
9		9	BY MR. OBERTI:	
10		10	Q. Did you ever read a copy of the lawsuit?	
11		11	A. No.	
12		12	Q. Well, in any event, at some point, you learned that the claimants or claimant was claiming that they spent more than 20 percent of their time doing cargo transfers, is how you put it?	
13		13	A. Yes.	
14		14	Q. Okay. And did you know that before or after you completed the declaration on Keith Coffin?	
15		15	A. I can't recall.	
16		16	Q. Okay. Do you know what the definition legally is under the Fair Labor Standards Act is for seamen?	
17		17		
18		18		
19		19		
20		20		
21		21		
22		22		
23		23		
24		24		
25		25		

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1	A. I can't quote it verbatim.	1	BY MR. OBERTI:
2	Q. Okay. What is your understanding, if you have	2	Q. And you've laid out your various percentages;
3	one?	3	correct?
4	A. A seamen spends the majority of his time under	4	A. Correct.
5	the watch of a master directly relating to	5	Q. My question is, were you given any other
6	transportation of a vessel. Something along those	6	assignment other than that?
7	lines.	7	A. Any other assignment that was directly related to
8	Q. Okay. Did this thing that you knew about, 20	8	this case?
9	percent that you testified to, did you know it before	9	Q. Yes.
10	May 29th, 2012?	10	A. Or any other assignment in general?
11	A. I couldn't tell you that.	11	Q. I'm sure you've got plenty other assignments
12	Q. Okay. All right.	12	outside of your report; right?
13	MR. GRIFFITH:	13	A. Sure.
14	Ask that question again.	14	Q. And specifically limited to your expert opinions
15	Notice the date. He said May 29th,	15	you were asked to give, were you given any other
16	2012, a week ago.	16	assignment to express an opinion or do an analysis of?
17	BY MR. OBERTI:	17	A. Not that I recall. I mean, the percentage of it
18	Q. I think what you've testified to is that you're	18	was spent analyzing time spent during cargo transfers.
19	aware that the complainants or claimants are alleging	19	Q. Yes. That's what you rendered a conclusion on;
20	that they spent more than 20 percent of their time on	20	correct?
21	cargo transfers; right?	21	A. Correct.
22	A. Correct.	22	Q. Any other conclusions, expert conclusions, you
23	Q. Then I ask you were you aware of that and you	23	have had, other than the percentage of working time of
24	said you couldn't remember, so then I said, well, did	24	each claimant, other than Freddie McLemore and Eric
25	you know that by May 29th, 2012?	25	Jones, spent on cargo transfers?
Page 54		Page 56	
1	A. Yes.	1	MR. GRIFFITH:
2	Q. Okay. Did you read the affidavits of any of the	2	I'm going to object to the form.
3	claimants in this case?	3	THE WITNESS:
4	A. Yes, I did.	4	Not that I recall.
5	Q. Okay. So based on your definition of cargo	5	BY MR. OBERTI:
6	transfers that we've already covered in your analysis,	6	Q. Okay. So you were not specifically asked to
7	you concluded that across the board none of the	7	determine the percentage of working time the plaintiff
8	claimants in this case spent more than 20 percent of	8	spent performing non-seaman's work under the Fair Labor
9	their working time covering cargo transfers; correct?	9	Standards Act; were you?
10	A. Correct.	10	MR. GRIFFITH:
11	Q. Now, were you given any other assignment to	11	Object to the form.
12	complete relative to your declarations, other than to	12	THE WITNESS:
13	determine the percentage of working time each claimant,	13	No.
14	other than Freddie McLemore and Eric Jones, spent	14	BY MR. OBERTI:
15	performing cargo transfers, were you given any other	15	Q. And you were not specifically asked to determine
16	assignment?	16	the percentage of working time the plaintiff spent
17	A. Ask that question again, please.	17	performing work rendered primarily as an aid in the
18	Q. Well, obviously we can tell from your	18	operation of a vessel as a means of transportation; were
19	declarations you were assigned to determine what	19	you?
20	percentage of working time all of the claimants in this	20	MR. GRIFFITH:
21	case, other than Freddie McLemore and ERic Jones, spent	21	Object to the form.
22	on cargo transfers; correct?	22	THE WITNESS:
23	A. Correct.	23	Can you ask the question again?
24	MR. GRIFFITH:	24	BY MR. OBERTI:
25	Object to the form.	25	Q. You were not specifically asked to render an

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<p>1 expert opinion on the percentage of working time the 2 claimant spent on work rendered primarily as an aid in 3 the operation of a vessel as a means of transportation; 4 were you?</p> <p>5 MR. GRIFFITH: 6 I'm going to object to the form.</p> <p>7 THE WITNESS: 8 It all is. All of their work.</p> <p>9 BY MR. OBERTI: 10 Q. My question is, you were not asked to render an 11 expert opinion in your declarations regarding a 12 percentage of working time any of the claimants spent 13 working performing tasks primarily as an aid in the 14 operation of a vessel as a means for transportation; 15 were you not asked to render an expert opinion on that 16 question; were you?</p> <p>17 MR. GRIFFITH: 18 Object to the form again.</p> <p>19 THE WITNESS: 20 I don't know if I was asked that 21 specifically or not. I mean, that's a funny way to ask 22 a question.</p> <p>23 BY MR. OBERTI: 24 Q. Well, in your declarations themselves, you didn't 25 express an opinion on that question; did you?</p>	<p>1 A. Correct. 2 Q. I guess what you're saying right now is, I guess, 3 in your opinion, all of the work that a tankerman does 4 is work that is rendered primarily as an aid in the 5 operation of a vessel as a means for transportation?</p> <p>6 A. Correct. 7 Q. And, therefore, based on that conclusion, there 8 would be no basis for you to perform an analysis of what 9 work is rendered primary as an aid in the operation of 10 vessel as a means of transportation and what work isn't 11 because there is no work in the isn't category; correct?</p> <p>12 MR. GRIFFITH: 13 Objection to the form.</p> <p>14 THE WITNESS: 15 Not in my eyes.</p> <p>16 BY MR. OBERTI: 17 Q. Okay. And that includes, for example, the very 18 act of loading or unloading a barge, in your opinion, 19 that work itself is work rendered primarily as an aid in 20 the operation of a vessel as a means of transportation?</p> <p>21 A. Yes. 22 Q. Because if it's not done properly, the vessel 23 could become unseaworthy?</p> <p>24 A. Correct. 25 MR. GRIFFITH:</p>
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<p>1 MR. GRIFFITH: 2 I'm going to object to the form. I 3 think there is information in these declarations about 4 that issue and whether or not the duties speak to the 5 vessels as a means of transportation.</p> <p>6 MR. OBERTI: 7 Okay. Well, let him answer. He can 8 answer his own questions.</p> <p>9 MR. GRIFFITH: 10 Well, I know, but there are several 11 declarations along, and I don't want you to ask a 12 question that suggests that something's not in a 13 declaration that's here. Paragraph 3 of this 14 declaration is talking about that.</p> <p>15 MR. OBERTI: 16 Okay. Well, let's look at paragraph 3. 17 Exhibit 3, they're actually the same on that.</p> <p>18 BY MR. OBERTI: 19 Q. You say in paragraph 3 of your Supplemental 20 Declaration, "Every member of the Blessey Marine crew 21 has duties that are exclusively for services rendered as 22 an aid in the operation of the vessel as a means for 23 transportation. Stated another way, every crew member's 24 actions are critically important for the vessel to move 25 and perform its functions"; correct?</p>	<p>1 Let's take a break. 2 THE WITNESS: 3 Yeah, I'm ready for a break.</p> <p>4 MR. OBERTI: 5 Sure. 6 (A recess was taken.)</p> <p>7 BY MR. OBERTI: 8 Q. All right. Mr. Grenon, we're back from break. 9 Can I ask you to turn to the Exhibit Number 17?</p> <p>10 A. Sure. 11 Q. Have you ever heard of a company in the industry 12 named Martin Resource Management Corp?</p> <p>13 A. I haven't heard of that specifically, but it says 14 Martin Marine, and I know who Martin Marine is, yes.</p> <p>15 Q. Okay. Is Martin Marine a competitor of 16 Blessey's? 17 A. Yes. 18 Q. Okay. And have you ever seen this document 19 before? 20 A. No, I have not. 21 Q. Okay. Well, I'm just going to represent, it's 22 something I found on the internet for a job description 23 for a tankerman at Martin Resource Management Corp. And 24 my question to you is, do you see section there that 25 says "Duties"?</p>

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1	A. Uh-huh.	1	Q. It says, "Dropping, spotting or switching barges at docks"; is that something that a tankerman at Blessey might be required to do?
2	Q. And the first sense sentence says, "It is the duty of the tankerman/person --"	2	A. A tankerman as well as a deckhand, yes.
3	Do y'all have any female tankerman at Blessey?	3	Q. And then it says, "Assisting and switching barges at bulk docks"; is that something that Blessey's tankermen do?
4	A. No, we do not.	4	A. It's actually work worded funny. I mean, assisting and switching barges at docks, I mean, I guess so.
5	Q. "It is the duty of the tankerman/person to oversee transfer operations which are covered by extensive laws and regulations of the U.S. Coast Guard and other federal and local government agencies"; do you see that?	5	Q. Can deckhands do that, too?
6	A. Uh-huh.	6	A. Yes.
7	Q. Yes?	7	Q. And it says, "Standing lookout or riding the head of the tow as a lookout"; is that something that tankermen at Blessey do?
8	A. Yes. I'm sorry.	8	A. Yes.
9	Q. Would you agree with me that that's an accurate statement at Blessey, too?	9	Q. And deckhands as well?
10	MR. GRIFFITH: Object to form.	10	A. Yes.
11	BY MR. OBERTI: Q. That it's the duty of the tankermen to oversee cargo transfer operations which are covered by extensive laws and regulations of the U.S. Coast Guard and other federal and local government agencies?	11	Q. What's the idea there?
12	MR. GRIFFITH: Object to the form.	12	A. What they do -- it's hard for a wheelman to judge distance or speed from a wheelhouse, so what happens is, anytime there's a close-quarter situation, he may require a lookout to be either on the side of the tow or up on the head of the tow or barges.
13	THE WITNESS:	13	Q. And how does that --
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1	Yes, we do that at Blessey.	1	A. And what he does, he's got a VHF radio, and he will tell the captain the estimated speed or estimated distances.
2	BY MR. OBERTI: Q. Then it says, "The objective of the tankerman/person is safe, pollution free and efficient cargo movement and transfers and the safety of the environment and to the public"; do you agree with me that that sentence is accurate at Blessey as well?	2	Q. Okay. Are the barges always behind the tow boat?
3	MR. GRIFFITH: Object to the form.	3	A. No. They're in front of the boat.
4	THE WITNESS: That's one of the many objectives of our tankermen, yes.	4	Q. They're in front of the boat. So the tow boat pushes the barges?
5	BY MR. OBERTI: Q. Okay. All right. Then moving down, there's a section that lists things A through I. It says "Operational"; do you see that?	5	A. Yes.
6	A. Yes.	6	Q. And so what could be the maximum distance between where the captain is in the tow boat itself and the end of the outer barge?
7	Q. Okay. And it says, "A: Making up the tow"; are tankermen sometimes required to make up the tow at Blessey?	7	A. It would all depend on what size tow he's pushing.
8	A. Yes.	8	Q. It could be 300 yards?
9	Q. Okay. And it says, "A: Making up the tow"; are tankermen sometimes required to make up the tow at Blessey?	9	A. Yeah.
10	A. Yes.	10	Q. Wow.
11	Q. Are the deckhands, too?	11	And then it says, "Performing the various tasks necessary to carry out the above, such as making a coupling, operating wrenches and ratchets and line handling, including splicing and throwing lines"; is that something that tankermen at Blessey do?
12	A. Yes.	12	A. Yes, sir.
13	Q. It's whoever the captain assigns?	13	Q. Do deckhands do it, too?
14	A. Yes.	14	A. Yes.
15	A. Yes.	15	Q. And it says, "confirming with and receiving
16		16	

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1 orders from the captain, relief captain or mate"; is 2 that something that tankermen at Blessey do?	1 A. Well, it's required -- there's a 40-hour 2 dangerous liquids course they go through and a 16-hour 3 firefighting course, and that's required by the Coast 4 Guard to get your tankerman's license. 5 Q. Where do they go for those courses? 6 A. We use a couple of different schools. I think 7 that we're using currently Houston Marine based in New 8 Orleans for our -- 9 Q. Private company? 10 A. I don't know if it's private or public. 11 Q. Okay. Are those requirements by law or something 12 Blessey requires? 13 A. That's required by the Coast Guard. 14 Q. Any other former requirements of education to be 15 a tankerman at Blessey? 16 A. No. 17 Q. Okay. 18 A. That's not a requirement of ours. 19 Q. Okay. And then the last thing on the next page 20 says, "Loading cargo to proper barge draft" do you know 21 what that means? 22 A. Yes. 23 Q. What is that? 24 A. The draft is the distance from the waterline to 25 the bottom of the vessel, and depending on where a barge was going would determine what draft that a barge can be
1 loaded to. 2 Q. Okay. Are there various levels of tankermen 3 certifications? 4 A. I wouldn't call them levels, but there's 5 different tankermen certifications. 6 Q. Okay. How many of them are there? 7 A. Probably three that I can think of offhand. 8 Q. What are they? 9 A. There's a Tankermen DL, which stands for 10 dangerous liquids, Barge, and then there's Tankerman DL 11 Ship, and then there's also like a Liquified Gas, LG, 12 rating. 13 Q. Okay. To be a tankerman at Blessey, which ones 14 do you have to have? 15 A. Tankerman DL Barge. We also have six tows that 16 require the LG endorsement. 17 Q. And obviously those barges are carrying liquefied 18 gas? 19 A. Correct. 20 Q. All right. To be a tankerman at Blessey, do you 21 have to have any specific formal education? 22 A. High school diploma or GED. 23 Q. Anything beyond that required? 24 A. To be a tankerman? 25 Q. Yes.	1 A. 2007. 2 Q. So when you were a tankerman, you hadn't achieved 3 a college degree yet? 4 A. Correct. 5 Q. What's your degree in from Tulane? 6 A. It's in social sciences, with a minor in 7 business. 8 Q. Now, is being a tankerman physical work? 9 A. At times. 10 Q. What are they wearing? Do they have uniforms? 11 A. Yeah. Blessey marine issues uniforms. 12 Q. Are they wearing the same uniforms that deckhands 13 wear? 14 A. Yes. 15 Q. Is it the same uniform that the captain wears? 16 A. It depends. The captain can opt to get a tan 17 shirt, rather than the green shirt, and that's the only 18 differentiation, or the captain can wear a green shirt, 19 too. 20 Q. What about the relief captain? 21 A. Wheelhouse crew can wear a tan shirt. 22 Q. Okay. And Blessey issues these uniforms for the 23 crew members? 24 A. Correct. 25 Q. And do they require -- what about shoes?
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1 A. Steel-toed shoes are required. 2 Q. Does Blessey issue that? 3 A. Yes. 4 Q. Why are steel-toed shoes required of the 5 tankermen? 6 A. Because there's a danger of having your toes... 7 Q. Smashed? 8 A. Smashed. 9 Q. That's a good reason. 10 A. All right. Are you a member of any industry 11 organizations? 12 A. Blessey Marine is. 13 Q. On behalf of Blessey Marine, do you participate 14 in any of them? 15 A. Yes. 16 Q. Which ones? 17 A. GICA, G-I-C-A, and AWO. 18 Q. AWO... 19 A. AWO, American Waterways Operations. 20 Q. Have you had any discussions with any of the 21 other businesses in the industry regarding this lawsuit? 22 A. I have. 23 Q. Who did you have such discussions with? 24 A. I had discussions with a guy that works for 25 Magnolia Marine.	1 Q. Where were you living at the time? 2 A. I lived... 3 MR. GRIFFITH: 4 You mean when he was off the boat? 5 BY MR. OBERTI: 6 Q. Where did you live when you were on land? 7 A. Oh, sure. Yeah. I lived in Caryville, Florida, 8 and I also lived in Troy, Alabama. 9 Q. Okay. So when you got off your boat, would the 10 company typically fly you home? 11 A. Yes. 12 Q. And when you would have to go back on the boat 13 for your 20 days or whatever your shift was, would they 14 typically fly you to wherever your vessel was? 15 A. Yes. Typically they would fly me to wherever the 16 vessel was. 17 Q. The closest port? 18 A. Yes. 19 Q. Okay. And is that what the company still does 20 for its tankermen? 21 A. Yes. 22 Q. All right. And as I understand it, the 23 tankermen, when you're on duty, they typically work a 24 12-hour shift -- I'm sorry -- a six-hour shift, six on, 25 six off?
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1 Q. Where are they out of? 2 A. Vicksburg, Mississippi. 3 Q. Who was the guy you had a discussion with? 4 A. His name is Chris, and I can't think of his last 5 name. 6 Q. Was this in person or on the phone? 7 A. It was on the phone. 8 Q. How did it come up? 9 A. He called me up and he said, "Hey, I saw your 10 name on some legal paperwork," or my name had come up in 11 some lawsuit, and he said, "What's going on with that?" 12 Q. What did you say? 13 A. I said, "We got some tankermen that are suing us 14 about how many hours were spent..." 15 Q. Okay. Do you know if Magnolia has been sued? 16 A. No, I do not. 17 Q. Have you talked to any other company in the 18 industry that's actually been sued by a tankerman? 19 A. No, I have not. 20 Q. Or the tankermen? 21 A. No. 22 Q. All right. Let me ask you this: When you were a 23 tankerman, what shift did you work; twenty-one and... 24 A. Primarily 21 and 10. Twenty-one days on the 25 boat, 10 off.	1 A. Correct. 2 Q. So a total, typically, of 12 hours of work within 3 a 24-hour period? 4 A. Correct. 5 Q. Is there any rule that says they can't work more 6 than that? 7 A. There's a rule -- the CFR states that a tankerman 8 can't work anymore than 16 hours in a 24-hour period. 9 Q. Okay. And so how does work on the day -- let's 10 start with the day that the tankerman is getting off the 11 vessel. 12 A. Okay. 13 Q. How does that work? 14 A. Well, it really depends on where the boat is and 15 what the boat is doing. For instance, if the boat is in 16 Houston -- we have a fleet in Houston, Webfleet, and if 17 the boat is standing by in Houston and they're not going 18 to be going to the dock that afternoon, we may get the 19 crew off early. They may be able to catch an 8 o'clock 20 in the morning flight, so what may happen is, we send 21 one of our drivers or we contract a cab service to pick 22 the crew members up off the boat, take them to the 23 airport, and then that's -- or sometimes they may be in 24 the middle of a transfer or they may be underway, and 25 then what would happen is, crew members, the captain,

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<p>1 tankermen, deckhand, whoever was catching the boat would 2 get picked up from the airport, brought to the boat, and 3 then when got on the boat, then the guys that were 4 getting off would get in that cab and then go to the 5 airport and fly home.</p> <p>6 Q. Okay. Does Blessey try to have the tankermen get 7 off the boat before the oncoming crew comes on?</p> <p>8 A. It really depends on what's going on.</p> <p>9 Q. So sometimes there could be two crews on for a 10 few hours?</p> <p>11 A. No. No. At the most, a 30-minute --</p> <p>12 Q. Overlap?</p> <p>13 A. -- changeover.</p> <p>14 Q. Okay.</p> <p>15 A. Because the guys there are getting off are 16 normally ready to go home.</p> <p>17 Q. The folks that are getting off, does Blessey try 18 to arrange it so that the whole crew is 100 percent 19 turnover, or is it just man-for-man?</p> <p>20 A. No. No. The way that it's set up is, if a boat 21 is working 20 days on and 10 days off, they'll crew 22 change every 10 days, so they'll always stagger.</p> <p>23 Q. Okay. Got you.</p> <p>24 And does Blessey try to do this as any particular 25 time of the day?</p>	<p>1 the topic.</p> <p>2 MR. OBERTI: 3 If you don't know, I'm just asking for 4 your own personal knowledge.</p> <p>5 MR. GRIFFITH: 6 Without a foundation that he's been 7 charged with their pay or with the methodology as to how 8 they're paid, the thinking, as you put it, would be 9 outside of the scope of what he's been designated to 10 testify about.</p> <p>11 MR. OBERTI: 12 I'm just asking your own personal 13 knowledge.</p> <p>14 MR. GRIFFITH: 15 Just individually, whatever he knows?</p> <p>16 MR. OBERTI: 17 Yes; right.</p> <p>18 MR. GRIFFITH: 19 I don't have an objection if you're 20 asking if he knows just individually.</p> <p>21 MR. OBERTI: 22 Right. Not on behalf as the corporate 23 rep.</p> <p>24 BY MR. OBERTI: 25 Q. Do you know why the company has that practice or</p>
<p>1 A. It all depends on the location.</p> <p>2 Q. Okay. And as I understand it, Blessey's 3 practice, at least for the last five years, has always 4 been to pay you tankermen half their normal day rate on 5 the day that they're getting off the vessel?</p> <p>6 A. Correct. If they get off before 3:00 p.m.</p> <p>7 Q. All right. And if they get off after 3:00 p.m., 8 they get a full day's pay?</p> <p>9 A. Correct.</p> <p>10 Q. And what's the thinking there?</p> <p>11 MR. GRIFFITH: 12 Object to the form.</p> <p>13 MR. OBERTI: 14 If you know.</p> <p>15 THE WITNESS: 16 The thinking is they're going to spend 17 the better part of the day before they can get home, so 18 we compensate them by paying them for a full day.</p> <p>19 BY MR. OBERTI: 20 Q. Okay. But if they get off before 3:00, then the 21 thinking is, "Well, they really didn't work the better 22 part of the day, so a half day is fair"?</p> <p>23 MR. GRIFFITH: 24 I'm going to object to the form and just 25 note that Mr. Grenon has not been designated to speak to</p>	<p>1 policy that they're paid a full day to the tankermen if 2 they get off the boat after 3:00, but a half day if 3 before 3:00?</p> <p>4 A. I believe it's just a courtesy if they get off 5 the boat after 3:00, they get a full day.</p> <p>6 Q. Okay.</p> <p>7 A. Because they're going to spend most of their day 8 traveling.</p> <p>9 Q. Okay. What's that belief based on; just common 10 sense?</p> <p>11 A. I don't know.</p> <p>12 Q. Have you ever had any discussion with anybody 13 else at the company about it?</p> <p>14 A. No.</p> <p>15 Q. Who's in charge of setting the tankermen's pay?</p> <p>16 A. Ultimately Clark Todd.</p> <p>17 Q. Does it come out through you, though?</p> <p>18 A. Yes.</p> <p>19 Q. The tankermen, are they eligible for annual 20 increases?</p> <p>21 A. Yes, they are.</p> <p>22 Q. Is that something you would pass on?</p> <p>23 A. Yes.</p> <p>24 Q. And is it possible that a tankerman can get off 25 before 3:00 -- when you say 3:00, you mean being 3:00</p>

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1 p.m.; right?	1 Q. All right. Let me put it this way: Some people
2 A. Correct.	2 in America work typically from 9:00 to 5:00; right?
3 Q. Is it possible for a tankerman to get off before	3 A. Right.
4 3:00 p.m., but yet still have worked 12 hours within the	4 Q. So the boss says, "I want you to fly to
5 preceding 24 hours?	5 Pittsburgh tomorrow, but I want you to catch a flight at
6 A. No.	6 8 o'clock p.m. that lands at 11:00 p.m.," well, we know
7 Q. And obviously Blessey doesn't track the amount of	7 that they're actually traveling outside their ordinary
8 time it takes the tankermen to get -- from the time they	8 work day; right?
9 get off the vessel to the time they actually get to	9 A. Right.
10 their home?	10 Q. I'm saying in this situation, would you agree
11 A. No.	11 with me that it's often the case that the time that the
12 Q. And likewise, on the day that the tankerman gets	12 tankerman is traveling, either to their home at the end
13 back on the boat, then is the policy the same there,	13 of their shift or back, you know, to the vessel at the
14 that if they get on the boat before 3:00, they get a	14 beginning of their hitch, that time of the day that
15 full day's pay, but after 3:00, half day's pay?	15 they're traveling, if they were actually on the vessel,
16 A. No. They just get a full day because they get a	16 they would be on duty during that time?
17 half a day the day they catch the boat.	17 MR. GRIFFITH:
18 Q. Irrespective of when they actually get on the	18 Object to the form.
19 boat?	BY MR. OBERTI:
20 A. Correct.	Q. That's possible?
21 Q. And do you know why that is?	MR. GRIFFITH:
22 A. Because the day starts the same -- the day	I'm going object to the form.
23 basically starts the same time, they just get half a day	THE WITNESS:
24 the day that they catch the boat.	No, because they would never be on duty
25 Q. Okay. Does Blessey try to make sure they're	unless they're on the boat, or maybe I'm not
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1 actually on the boat at a specific time on their day	1 understanding the --
2 back?	BY MR. OBERTI:
3 A. Not necessarily, because it all depends on where	3 Q. You've got to understand my question. Let's go
4 the boat is.	4 back to the example I gave for the person who they're
5 Q. And obviously Blessey doesn't track the amount of	5 ordinarily works from 9:00 a.m. to 5:00 p.m. --
6 time it takes for a person to get from their home to the	6 A. Sure.
7 vessel on their day back?	7 Q. -- and they're asked to travel overnight
8 A. No.	8 somewhere at 8:00 p.m.; right, we know that the time
9 Q. And would you agree with me that given the fact	9 that they're traveling between 8:00 p.m. and 11:00 p.m.,
10 that the tankermen work six on, six off, six on, six	10 that is not time they would ordinarily be at work;
11 off, that it's highly likely that any travel time that	11 right?
12 they may have, that part of the day, if they were	12 A. Correct.
13 actually a tankerman on the vessel, that would cover	13 Q. Versus this situation, if they were actually --
14 part of their shift?	14 if the tankermen was actually on their hitch on the
15 MR. GRIFFITH:	15 vessel, they could be working pretty much anytime within
16 Object to the form.	16 a 24-hour period; correct?
17 BY MR. OBERTI:	17 MR. GRIFFITH:
18 Q. That they would be on duty part of that time?	18 Object to the form. I think he's
19 MR. GRIFFITH:	19 already testified that the opposite is true. They do
20 Object to the form.	20 not work all of those 24 hours. They could be on, or
21 If you know.	21 they could be off, and that it wouldn't be possible for
22 THE WITNESS:	22 them to work --
23 It's pos-- I don't understand the	23 MR. OBERTI:
24 question.	24 All right. Let him answer the question.
25 BY MR. OBERTI:	25 THE WITNESS:

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<p>1 It would depend. It would depend on 2 where the boat is. It would depend on what watch 3 they're on. 4 BY MR. OBERTI: 5 Q. Right. It depends, which means they could be at 6 work during the time they're on the vessel, or they 7 could be off; right? 8 A. Correct. 9 Q. And, in fact, as I understand it; am I right, 10 that at some point during the tankerman's hitch, rather 11 than working six on, six off, they work 12 straight? 12 A. No. 13 Q. That never happens? 14 A. Not necessarily. 15 Q. Well, does it ever happen? 16 A. It could. 17 Q. When would it happen? 18 A. It could happen if that boat was shorthanded. If 19 a tankerman got off for a family emergency, he may work 20 his 12 hours consecutive, rather than six on, six off. 21 Q. What about the whole -- how many tankerman are 22 actually on the boat? 23 A. Usually two. 24 Q. Usually? 25 A. Front watch is from 0600 to noon and 1800 to</p>	<p>1 schedule the tankermen will work, and they'll work six 2 hours on and six hours off unless there's an emergency, 3 you work. 4 Q. And where is that schedule posted, if it is? 5 A. It may not be posted anywhere. The captain may 6 just instruct the crew when they get on board. 7 Q. Okay. So y'all, to your knowledge, don't 8 maintain the tankermen's scheduled in any documented 9 fashion that you know of? 10 A. No. 11 Q. Now, in performing the analysis that you 12 performed in Exhibits 2 and 3 here, obviously you relied 13 on the electronic captains' logs; correct? 14 A. That's correct. 15 Q. Did you rely on anything else, other than the 16 electronic captains' logs? 17 A. No. 18 Q. Did you review the handwritten captains' logs? 19 A. No, I did not. 20 Q. Did you rely on any of the affidavits from the 21 claimants in this case? 22 A. No, I did not. 23 Q. Did you rely on any interviews with plaintiffs -- 24 with the claimants' coworkers on the vessels? 25 A. No.</p>
<p>1 midnight, and the back watch is midnight to 0600 and 2 noon to midnight -- to six -- I'm sorry -- noon to 1800. 3 Q. Do the tankermen assigned to front watch and back 4 watch always maintain their assignment throughout their 5 hitch? 6 A. Not necessarily. 7 Q. Do they ever switch? 8 A. It just depends. Sometimes they don't. 9 Q. Okay. So, I mean, it's accurate to say that a 10 tankerman, depending on their schedule, could be on duty 11 at any time when they're on the vessel? 12 MR. GRIFFITH: 13 Object to the form. 14 THE WITNESS: 15 Correct. It would depend on what boat 16 they're on and what shift they're working. 17 BY MR. OBERTI: 18 Q. Okay. As long as the tankerman doesn't exceed 16 19 hours of work within a 24-hour day, is it the captain's 20 prerogative to tell him to work at any time during the 21 day? 22 MR. GRIFFITH: 23 Object to the form. 24 THE WITNESS: 25 No. There will usually be a set</p>	<p>1 Q. Did you ever talk to any of the claimants' 2 coworkers or captains on the vessels where they worked 3 as part of your analysis? 4 A. No. 5 Q. So did you rely on any documents or any other 6 information in performing your analysis as reflected in 7 Exhibits 2 and 3, other than the electronic captains' 8 logs themselves? 9 A. No. That's all I used. 10 Q. Did you review any of the depositions in the 11 case? 12 A. No, I did not. 13 Q. And you were doing this, I think you told me, at 14 the behest -- you created Exhibits 2 and 3 at the behest 15 of Blessey's general counsel and chief operating 16 officer? 17 A. Correct. 18 Q. And did you communicate with either or both of 19 them during the time you were doing this analysis? 20 A. Well, yes, because I did each one of them 21 individually, so... 22 Q. Okay. Do you remember roughly how long it took 23 you to do the Keith Coffin one? 24 A. No, I don't. 25 Q. Meaning there's at least about 500 individual</p>

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1 captains' logs; right? 2 A. Yeah. The was a lot. 3 Q. You went through each one? 4 A. Yes. 5 Q. And then you did the same thing for the second 6 declaration, which obviously meant even a larger amount 7 of captains' logs to review? 8 A. Correct. I probably spent approximately 40 hours 9 per person. 10 Q. And that was all associated with analyzing the 11 captains' logs and then filling in the chart you created 12 so that you could generate a percentage? 13 A. Yes. 14 Q. Okay. And so during the time you were actually 15 doing this, before you reached your conclusions on 16 either Coffin or the other guys, were you in 17 communication with Clark Todd or Mr. Bethune? 18 A. You mean specifically, like, for instance, in the 19 middle of ana- -- 20 Q. Yes. 21 A. No, I wasn't. 22 Q. You just completed your analysis and gave them 23 the results? 24 A. Correct. 25 Q. And did you interact with anybody from	1 A. To review and then sign. 2 Q. Who provided them to you? 3 A. Beau. 4 Q. And did he provide it by e-mail or hard copy? 5 A. E-mail, I believe. 6 Q. Okay. Did you he tell you with he got them? 7 A. No. 8 Q. Okay. Did you know where he got them? 9 A. No. 10 Q. Okay. So they were -- he asked you to review 11 them and then, when they were accurate, to sign them? 12 A. He asked me to review them and we made any 13 changes if we noted any changes, which we did. We made 14 the changes and then we reviewed them again and signed 15 them. 16 Q. So did I hear you right that in each situation, 17 the declaration relating to Mr. Coffin and the 18 declaration relating to the other claimants, you 19 reviewed them and made some changes and then signed it 20 once it was finalized? 21 A. That's correct. 22 Q. Were the changes made by you on a word document 23 in redline? 24 A. No. 25 Q. How were they made?
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1 Mr. Griffith's office while you were doing this? 2 A. No. 3 Q. So it sounds like, if I've got it right, you were 4 asked to perform this assignment by Mr. Todd and 5 Mr. Bethune, and then you completed the assignment and 6 then you provided your results to Mr. Todd and 7 Mr. Bethune? 8 A. I provided my results to Beau Bethune after I 9 analyzed each one of the tankermen. 10 Q. When you provide the results, were they in the 11 form of Exhibits 2 and 3? 12 A. No. They were put into this -- we put this into 13 this form. 14 Q. So when you say your results, I'm assuming, "This 15 is my bottom line," the actual percentages? 16 A. Correct. 17 Q. And then later on, the declarations that are 18 Exhibits 2 and 3 were structured? 19 A. Correct. 20 Q. And who actually prepared those declarations, if 21 you know? 22 A. I don't know. 23 Q. How did you receive them? 24 A. I received them in printed form. 25 Q. To sign?	1 A. They were done face-to-face with Beau, or I 2 e-mailed just some changes in verbiage. 3 Q. Oh, you mean, like in a cover e-mail itself? 4 A. I'm not sure. 5 Q. Okay. So who actually went into the word version 6 itself and made the changes? 7 A. I don't know. 8 Q. Did you? 9 A. No, I did not. 10 Q. Okay. Whoever did it, later, Mr. Bethune, I 11 assume, came back with a document that reflected those 12 changes and you signed them? 13 A. That's correct. 14 Q. Was it just one round of changes? 15 A. I believe so. 16 Q. For each declaration? 17 A. I'm not for sure. I mean, there's -- I'm not 18 positive. I think so. 19 Q. All right. Now, you would agree with me that you 20 don't have any personal knowledge of what any of the 21 claimants in this case did or didn't do; correct? 22 A. No, I do not. 23 Q. You didn't actually work on a vessel with any of 24 them; correct? 25 A. I did at times. I served as a port captain and I

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<p>1 was over some of the these guys and I would go down to 2 the boat while they were on watch. 3 Q. Do you remember anybody in particular? 4 A. I do. 5 Q. Who? 6 A. I remember going on the boat with Keith Coffin. 7 Keith Coffin was on watch. 8 Q. Were you assigned to that particular vessel at 9 the time? 10 A. As a port captain, yes. 11 Q. What does a port captain do? 12 A. Port captain basically oversees the operation of 13 the vessel and works as a liaison for the vessel to the 14 different departments in the office. 15 Q. And is the port captain assigned to that crew on 16 the vessel, or is he mobile? 17 A. He's usually assigned from anywhere from eight to 18 11 or 12 boats, and he's assigned to the boat, so 19 depending on who the crew members are on that vessel. 20 Q. Well, does the port captain on a day-to-day basis 21 live on a vessel? 22 A. No, not necessarily. They can sometimes. If a 23 boat is going to an area where maybe somebody isn't 24 posted, they may catch the boat and ride for a couple of 25 days.</p>	<p>1 the face wires out on the boat. 2 Q. Face wires? 3 A. Yes. They're wires that are used to couple the 4 boat to the barges. 5 Q. Okay. And Mr. Coffin helped with that? 6 A. Yes. 7 Q. Anything else that you can recall specifically 8 Mr. Coffin doing when you saw him? 9 A. No. 10 Q. What about Mr. Fulkerson? 11 A. No. 12 Q. Okay. Now, would you agree with me that you 13 don't have any personal knowledge of whether the 14 captains' logs you solely relied on to create your 15 analyses are accurate? 16 MR. GRIFFITH: 17 Object to the form. 18 THE WITNESS: 19 Ask the question again, please. BY MR. OBERTI: 20 Q. To be fair to you, the captains' logs that you 21 solely relied on in performing your analyses as 22 reflected in Exhibits 2 and 3, you assume that they're 23 accurate; right? 24 A. That's correct.</p>
<p>1 Q. Did you ever do that? 2 A. No. 3 Q. So sounds like you're saying, just so I 4 understand, you were a port captain assigned to numerous 5 vessels, one of which, for a period of time, was Keith 6 Coffin's? 7 A. Yes. 8 Q. Were any of the other claimants in this case, if 9 you know, on a crew that you were the port captain 10 assigned to? 11 A. Mason Fulkerson was, on the Jack Green. 12 Q. Anybody else? 13 A. Not offhand. 14 Q. Okay. Did you, yourself, ever spend a full hitch 15 on a boat with any of the claimants in this case? 16 A. No. 17 Q. Or even overnight? 18 A. No. 19 Q. Okay. Do you have any recollection of 20 specifically of what you saw Mr. Coffin doing, if 21 anything, on the times you did see him? 22 A. Yes. 23 Q. What did you see him doing? 24 A. I brought down to the boat some new face wires 25 for the boat, for the Laura Anne Blessey, and we changed</p>	<p>1 Q. But you don't know from personal knowledge if any 2 of those captains' logs are accurate; correct? 3 MR. GRIFFITH: 4 Object to the form. 5 THE WITNESS: 6 I mean, I do because I know, as a port 7 captain assigned to vessels, I know what they're doing. BY MR. OBERTI: 8 Q. Okay. Well, I mean, you know what they're doing 9 how? 10 A. I know what they're doing through communications 11 daily with the captain. 12 Q. Okay. What period of time did you work as a port 13 captain? 14 A. Oh, I worked -- I'm not sure. I can't give you 15 exact dates. 16 Q. Well, do you know if you were port captain 17 anytime after January 2009? 18 A. Yes. Specifically April of 2010 to October, 19 November 2010, I was a port captain. 20 Q. Okay. 21 A. And as director of operations, the port captains 22 are under me. 23 Q. Okay. So you were a port captain for about six 24 months in 2010?</p>

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